

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE
OFFERED BY _____**

At the end of subtitle D, add the following new chapter:

- 1 **CHAPTER 4—OTHER MATTER**
- 2 **SEC. 3331. LOCATING FEDERAL FACILITIES IN UNSERVED**
- 3 **AREAS.**
- 4 (a) DEFINITIONS.—In this section:
- 5 (1) APPROPRIATE COMMITTEES OF CON-
- 6 GRESS.—The term “appropriate committees of Con-
- 7 gress” means—
- 8 (A) the Committee on Energy and Com-
- 9 merce of the House of Representatives;
- 10 (B) the Committee on Natural Resources
- 11 of the House of Representatives;
- 12 (C) the Committee on Commerce, Science,
- 13 and Transportation of the Senate; and
- 14 (D) the Committee on Environment and
- 15 Public Works of the Senate.
- 16 (2) COMMISSION.—The term “Commission”
- 17 means the Federal Communications Commission.

1 (3) COMMUNICATIONS FACILITY.—The term
2 “communications facility” includes—

3 (A) any infrastructure, including any
4 transmitting device, tower, or support structure,
5 and any equipment, switch, wiring, cabling,
6 power source, shelter, or cabinet, associated
7 with the licensed or permitted unlicensed wire-
8 less or wireline transmission of any writing,
9 sign, signal, data, image, picture, and sound of
10 any kind; and

11 (B) any antenna or apparatus that—

12 (i) is designed for the purpose of
13 emitting radio frequency;

14 (ii) is designed to be operated, or is
15 operating, from a fixed location pursuant
16 to authorization by the Commission or is
17 using any duly authorized device that does
18 not require an individual license; and

19 (iii) is added to a tower, building, or
20 other structure.

21 (4) COVERED LAND.—The term “covered land”
22 means land managed by a Federal land management
23 agency.

1 (5) DEPARTMENT CONCERNED.—The term
2 “Department concerned” means the Department of
3 the Interior or the Department of Agriculture.

4 (6) FEDERAL LAND MANAGEMENT AGENCY.—
5 The term “Federal land management agency”
6 means—

- 7 (A) the Forest Service;
- 8 (B) the Bureau of Land Management;
- 9 (C) the National Park Service;
- 10 (D) the Fish and Wildlife Service; and
- 11 (E) the Bureau of Reclamation.

12 (7) SECRETARY CONCERNED.—The term “Sec-
13 retary concerned” means—

- 14 (A) the Secretary of the Interior, with re-
15 spect to land administered by such Secretary;
- 16 (B) the Secretary of Agriculture, with re-
17 spect to National Forest System land; and
- 18 (C) the Secretary of Commerce.

19 (b) SHARING BROADBAND AVAILABILITY DATA.—

20 (1) NOTIFICATION.—Not later than 2 business
21 days after the creation or update of any map re-
22 quired under section 802(c)(1) of the Communica-
23 tions Act of 1934 (47 U.S.C. 642(c)(1)), the Com-
24 mission shall notify the Secretary concerned that the
25 map has been created or updated.

1 (2) PROVISION OF INFORMATION.—Not later
2 than 5 business days after the date on which the
3 Secretary concerned is notified under paragraph (1),
4 the Commission shall provide the Secretary con-
5 cerned any data the Commission has collected pursu-
6 ant to title VIII of the Communications Act of 1934
7 (47 U.S.C. 641 et seq.).

8 (3) CONTINUATION.—The Commission shall
9 provide the Secretary concerned the information de-
10 scribed in paragraph (2) every 6 months unless the
11 Commission no longer has such information.

12 (4) PROTECTION OF INFORMATION.—

13 (A) IN GENERAL.—The Commission shall
14 specify to the Secretary concerned which infor-
15 mation provided under paragraph (2) was col-
16 lected in a confidential or proprietary manner,
17 and the Secretary concerned may not make
18 such information publicly available.

19 (B) FOIA.—Information provided under
20 paragraph (2) is exempt from disclosure to the
21 public under section 552(b)(3)(B) of title 5,
22 United States Code.

23 (c) WORKING GROUP.—

24 (1) ESTABLISHMENT.—Not later than 30 days
25 after the date of enactment of this section, the Com-

1 mission and the Secretary concerned shall establish
2 an interagency working group to facilitate the prepa-
3 ration and interoperability of information technology
4 systems for the provision and receipt of the informa-
5 tion described in subsection (b)(2).

6 (2) NONAPPLICABILITY OF FACA.—The Federal
7 Advisory Committee Act (5 U.S.C. App.) shall not
8 apply to the interagency working group established
9 under paragraph (1).

10 (d) REPORTS.—

11 (1) PRELIMINARY ASSESSMENT OF POTENTIAL
12 BARRIERS.—Not later 120 days after the date on
13 which the interagency working group is established
14 pursuant to subsection (c)(1), the Commission and
15 the Secretary concerned shall jointly submit a report
16 to the appropriate committees of Congress with a
17 preliminary assessment of any potential barriers to
18 sharing the information described under subsection
19 (b)(2).

20 (2) ASSESSMENTS.—Not later than 1 year after
21 the date on which the Commission provides the in-
22 formation described under subsection (b)(2) to the
23 Department concerned, the Commission and the Sec-
24 retary concerned shall jointly submit a report to the
25 appropriate committees of Congress with—

1 (A) an assessment of the effectiveness of a
2 user's ability to locate broadband infrastructure
3 on covered land in an area to be determined as
4 unserved by the Commission on the basis of the
5 maps created under section 802(c) of the Com-
6 munications Act of 1934 (47 U.S.C. 642(c));
7 and

8 (B) an assessment of whether the Depart-
9 ment concerned prioritized the review of appli-
10 cations for a communications use authorization
11 in an area to be determined as unserved by the
12 Commission on the basis of the maps created
13 under such section.

